

Regular Session, 2010

HOUSE BILL NO. 1418

BY REPRESENTATIVE FOIL

MTR VEHICLE/TOWING: Provides for holds by law enforcement agencies on motor vehicles stored at storage facilities

1 AN ACT

2 To enact R.S. 32:1735.1, relative to storage of motor vehicles; to allow law enforcement
3 agencies to place holds on motor vehicles stored at a licensed storage facility; to
4 provide for notification; to provide for payment of the storage of the motor vehicle;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:1735.1 is hereby enacted to read as follows:

8 §1735.1. Motor vehicle holds; storage requirements; notification; payment of
9 storage costs

10 A. Law enforcement agencies may place a hold on a motor vehicle stored at
11 a licensed storage facility for a period not to exceed ten calendar days, unless
12 extended in writing.

13 B. The law enforcement agency shall notify the storage facility in writing
14 within fourteen calendar days whether the hold is to be continued. If no request by
15 law enforcement is made to the storage facility within fourteen calendar days, the
16 storage facility may release the vehicle to the owner upon payment of all towing and
17 storage charges incurred by the tow company.

18 C. If the hold is to continue beyond fourteen calendar days, the law
19 enforcement agency may have the vehicle removed to a designated impound lot.

1 D. If the law enforcement agency chooses to have the vehicle remain at the
2 storage facility beyond fourteen calendar days, pursuant to a written notification, the
3 law enforcement agency shall be responsible for payment of storage charges incurred
4 by the storage facility for the requested extended period. In such event, the owner
5 shall be responsible for payment of accrued towing and storage charges for the first
6 fourteen calendar days, when the law enforcement agency either moves the vehicle
7 from the facility to a designated impound lot or provides written notification to
8 extend the hold on the vehicle prior to the expiration of the fourteen calendar days.

9 E. If there is a judicial finding of no probable cause for having continued the
10 impoundment, the law enforcement agency shall release the hold on the vehicle.

11 F. Upon determination of guilt for offenses provided for in Title 14, Title 32,
12 or Title 40 of the Louisiana Revised Statutes of 1950, the owner of the vehicle shall
13 be liable for all costs for towing and storage.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Foil

HB No. 1418

Abstract: Provides for holds and notification by law enforcement agencies on motor vehicles stored at licensed storage facilities.

Proposed law allows law enforcement agencies to place a hold on a motor vehicle stored at a licensed storage facility for a period not to exceed 14 calendar days, unless extended in writing.

Proposed law requires law enforcement agencies to notify the storage facility in writing within 14 calendar days whether the hold is to be continued. If no request by law enforcement is made to the storage facility within 14 calendar days, the storage facility may release the vehicle to the owner of the vehicle upon payment of all towing and storage fees.

Proposed law provides that if the hold is to continue beyond 14 calendar days, the law enforcement agency may have the vehicle removed to a designated impound lot, in which the vehicle will not be released by the law enforcement agency to the owner until payment of all towing and storage charges incurred by the tow company.

Proposed law provides that if the law enforcement agency chooses to have the vehicle remain at the storage facility beyond 14 calendar days, pursuant to a written notification, the law enforcement agency shall be responsible for payment of storage charges incurred by the tow company for the requested extended period. In such event, the owner shall be responsible for payment of accrued towing and storage charges for the first 14 calendar days, when the law enforcement agency either moves the vehicle from the facility to a designated

impound lot or provides written notification to extend the hold on the vehicle prior to the expiration of the 14 calendar days.

Proposed law provides that if there is a judicial finding of no probable cause for having continued the impoundment, the law enforcement agency ordering the hold shall release the hold on the motor vehicle .

Proposed law provides that upon a determination of guilt of offenses provided for in Titles 14, 32, or 40 of the Louisiana Revised Statutes of 1950 , the owner shall be liable for all costs for towing and storage charges assessed against the vehicle.

(Amends R.S. 32:1735.1)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Changed the amount of time law enforcement agencies can place a hold on a motor vehicle from three business days to 14 calendar days.
2. Added a provision for release of the motor vehicle to the owner upon payment of all towing and storage fees incurred by the tow company.
3. Deleted provision for procedure for release of the motor vehicle.
4. Made technical amendment.
5. Changed the provision requiring law enforcement agencies to pay accrued charges in the instance when no probable cause is found for continued impoundment to allow for immediate release of the hold on the motor vehicle.
6. Deleted the penalty for an owner who is found guilty or pleads nolo contendere.
7. Added a provision to hold the owner of the vehicle liable for all costs for towing and storage when the owner is found guilty of offenses provided for in provisions Titles 14, 32, or 40 of the Louisiana Revised Statutes of 1950.